

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:14-cr-00244

DONALD L. BLANKENSHIP,

Defendant.

ORDER

On October 1, 2015, came the United States by R. Booth Goodwin, United States Attorney for the Southern District of West Virginia, together with Assistant United States Attorneys Steven R. Ruby, R. Gregory McVey and Gabriele Wohl, and also came the Defendant, Donald L. Blankenship, in person and by his counsel, William W. Taylor, Blair Gerard Brown, James A. Walls and Eric R. Delinsky, for trial in the above-styled matter.

Jury selection concluded on October 7, 2015, and the parties presented opening statements and the United States presented evidence. The United States rested its case on November 16, 2015, at which time the Defendant submitted written and oral motion for judgment of acquittal pursuant to Rule 29 of the Federal Rules of Criminal Procedure. The Court held the Defendant's motion in abeyance. The Defendant rested his case on the same day. On November 17, 2015, the Court instructed the jury, and the parties presented their closing arguments. The jury began its deliberations on the same day and subsequently returned a verdict of guilty on December 3, 2015, as to Count One of the Superseding Indictment. The jury found the Defendant not guilty

as to Counts Two and Three of the Superseding Indictment. The verdict was filed on that date. By order entered on the 9th day of December, 2015, the Court denied the Defendant's *Rule 29 Motion for Judgment of Acquittal on all Counts*.

Based on the jury's verdict, the Court **ADJUDGES** the Defendant, Donald L. Blankenship, **GUILTY**, and he now stands convicted of the misdemeanor offense of *Conspiracy*, in violation of 30 U.S.C. § 820(d) and 18 U.S.C. § 371, as charged in **Count One** of the Superseding Indictment. Further, the Court **ADJUDGES** the Defendant, Donald L. Blankenship, **NOT GUILTY** of the charges contained in **Count Two** and **Count Three** of the Superseding Indictment.

Pursuant to U.S.S.G. § 6A1 et seq., and subject to any post-trial motions, it is hereby **ORDERED** as follows:

1) That the Probation Office prepare and forward a draft presentence report to the United States and counsel for the Defendant no later than **February 22, 2016**; that the United States Attorney and counsel for the Defendant file objections to the draft presentence report no later than **March 7, 2016**; that the Probation Office submit a final presentence report to the Court no later than **March 21, 2016**; and that the United States and counsel for the Defendant file a sentencing memorandum no later than **March 28, 2016**. **THE AFORESAID PRESENTENCE REPORT DEADLINES HAVE BEEN ESTABLISHED BY THE COURT AND MAY BE ALTERED ONLY BY THE COURT. REQUESTS TO EXTEND ANY DEADLINE SHALL BE SUBMITTED TO THE COURT IN WRITING IN ADVANCE OF THE ESTABLISHED DEADLINE. SUCH DEADLINES WILL BE EXTENDED ONLY UPON GOOD CAUSE SHOWN.**


2) Pursuant to United States v. Booker, 543 U.S. 220 (2005) and United States v. Hughes, 401 F.3d 540 (4th Cir. 2005), the United States and the Defendant shall file a Sentencing Memorandum addressing the sentencing factors set forth in 18 U.S.C. § 3553(a) as may pertain to this case. The Sentencing Memorandum may also address such other matters not previously addressed in the form of motions or objections to the Presentence Report and may include argument as to the appropriate sentence to be imposed. Sentencing Memoranda shall be no more than ten (10) pages in length.

3) That final disposition of this matter be scheduled for **April 6, 2016, at 10:00 a.m., in CHARLESTON, West Virginia¹**.

4) That the Defendant be released upon the previously executed bond, subject to the conditions set forth in the Order Setting Conditions of Release previously filed herein and with the additional condition that the Defendant shall appear for sentencing on **April 6, 2016, at 10:00 a.m.**

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: December 10, 2015


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA

¹The previously scheduled sentencing date of March 23, 2016, has been modified based on defense counsel's scheduling conflict for that date.